

Date: June 15, 2023

To: City of Bayfield Plan Commission

From: Tim Schwecke and Charlie Handy

Subject: City of Bayfield Zoning Code Rewrite
Memo #11 (Landscaping, parking, and outdoor lighting)



Landscaping The initial draft of Article 17 is attached and is based on prior discussions with the Plan Commission. Standards only apply to parking lots, street frontages, and bufferyards.

Parking The initial draft of Article 18 is attached. One reoccurring theme we've heard and discussed is how to best handle parking requirements. As a general rule, parking requirements for most of the land uses have been relaxed (See Appendix B). The other issue is how to handle parking requirements in the downtown area. The current code exempts properties in the Commercial and Waterfront zoning districts (see section 500-51(l) included below). Whether the City wants to expand the exemptions in the downtown is a policy question that turns on the question of who should provide parking and who pays for the upkeep and maintenance.

i. Exceptions: changes in buildings or use.

- (1) Except as provided in Subsection **1(2)** of this subsection, no off-street parking shall be required for buildings existing in the Commercial or Waterfront Zoning District as of August 26, 2008, except such off-street parking as is already in existence as of such date.
- (2) A building may not be expanded, nor its use or uses changed, nor the number of its uses or separately used components increased, unless sufficient off-street parking is provided to meet the requirements of this section that would apply to such altered building and/or use(s) if constructed after August 26, 2008, provided that a change of use only of a building in the Commercial or Waterfront Zoning District shall not require the provision of any off-street parking not already in existence as of August 26, 2008.
- (3) The Plan Commission may, by the granting of a special exception, reduce the number of parking stalls otherwise required by this section. In determining whether a special exception should be granted for such purpose, the Commission shall consider the conditions and factors listed § 500-35, pertaining to the issuance of conditional use permits, to the extent applicable.

Outdoor lighting regulations are currently found in Chapter 273 of the municipal code (attached). They were adopted in 2004 and are apparently based on International Darksky Association standards. Does the City want to include these provisions in the zoning code or not?

Looking ahead Things we're working on.

- Standards for fencing (12.14 - 12.17)
- Co-housing as an alternative occupancy type
- Soils overlay district with related development standards
- Steep slopes overlay with related development standards
- Differentiate between Street Side and Avenue Side – when, where, in what instances do the references make sense
- When the code is near adoption, create application forms and templates for each of the various review procedures.

Attachments:

1. Article 17 – Landscaping and Bufferyards, dated June 15, 2023
2. Article 18 – Parking, Loading, and Access, dated June 15, 2023
3. Chapter 273 (Exterior Lighting)

ARTICLE 17 LANDSCAPING AND BUFFERYARDS

DIVISION 1 GENERAL PROVISIONS

510.2300 Legislative findings

The Common Council makes the following legislative findings:

- (1) A healthy environment is an indication of a healthy community.
- (2) Landscaping helps to maintain and increase property values, which helps to protect public and private investment in a community.
- (3) Landscaping provides lasting social, economic, environmental, and aesthetic benefits to the community.
- (4) Landscaping helps to reduce the “heat-island” effect by shading parking lots, streets, and other hard-surfaced areas.
- (5) Flexible standards allow alternative design options that may better fit the needs of the landowner and that may be needed to address unique site characteristics.
- (6) Landscaped buffers are needed between parcels of incompatible land uses, and as the degree of incompatibility increases, the amount of buffering (width and landscaping) should increase.
- (7) Xeriscape planting techniques help promote water and energy conservation.
- (8) A variety of landscape plants is needed to ensure that the effect of a single disease (e.g., Dutch elm disease) or pest (e.g., emerald ash borer) on landscape plants is minimized.

510.2301 Purpose

This article is established to promote the public health, safety, and welfare and is intended to accomplish the following purposes:

- (1) make Bayfield more attractive and aesthetically pleasing;
- (2) provide flexible standards where possible, rather than overly prescriptive requirements;
- (3) promote and improve public health and safety through the abatement of noise, the glare of lights, dust, and air pollution;
- (4) Improve the aesthetic appearance of the built environment;
- (5) ensure that land uses of different intensity have sufficient buffering between them to minimize negative effects;
- (6) create aesthetically pleasing tree-lined streetscapes;
- (7) promote economic development by providing a high quality of life;
- (8) enhance ambient environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, and noise, glare, and heat abatement; and
- (9) encourage the preservation, expansion, protection, and proper maintenance of the community forest.

510.2302 Landscape plan

A landscape plan consists of a completed worksheet as may be used by the zoning administrator and a plan view drawing that shows where the required plants will generally be planted. Such drawing must be drawn at the same scale as the site plan drawing.

510.2303 Description of landscape points and classification of plant species

- A. **Generally.** The required level of landscape plants is stated in terms of landscape points. As shown in Exhibit 17-1, points are assigned to each of the plant categories depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. Species generally suitable for use in Wisconsin are listed and those native to the state are denoted.
- B. **Plants not listed.** The species listed in Exhibit 17-1 is not meant to be exhaustive. Therefore, the zoning administrator will review proposals for, and the applicability of, species not contained in this list, and is authorized to approve appropriate similar species using "A guide to selecting landscape plants for Wisconsin" as a guide.
- C. **Prohibited plants.** Plants specifically designated as invasive by the Wisconsin Department of Natural Resources or other state agency may not be planted and may not be used to meet the requirements of this article.
- D. **Plant hardiness.** Selected plants should be hardy in the area where they are planted (Zone 4a or 4b).

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Exhibit 17-1. Classification of plants

Type and point value	Botanical name	Common name
Tall deciduous trees (30 points) (40-100 feet)	<i>Acer</i> spp.	maple: red [1], silver [1], sugar [1]
	<i>Celtis occidentalis</i>	Hackberry [1]
	<i>Fraxinus</i> spp.	ash [2]
	<i>Ginkgo biloba</i>	Ginkgo (female only)
	<i>Gleditsia triacanthos</i>	honey locust [1]
	<i>Gymnocladus dioicus</i>	espresso Kentucky coffeetree
	<i>Quercus</i> spp.	oak: red [1], white [1], pin, bur [1]
	<i>Tilia</i> spp. <i>Ulmus</i> spp.	linden: basswood [1], redmond, silverleaf American, accolade, cathedral, new horizon (hybrids only)
Medium deciduous trees (15 points) (30-40 feet)	<i>Aesculus glabra</i>	Ohio buckeye
	<i>Betula</i> spp.	birch: river [1], paper [1]
	<i>Phellodendron amurense</i> "Macho"	Macho amur corktree
	<i>Prunus</i> spp. <i>Prunus Mackii</i>	cherry: choke [1], pin [1] amur chokecherry
Low deciduous trees (10 points) (15-30 feet)	<i>Amelanchier</i> spp.	serviceberry
	<i>Crataegus</i> spp.	hawthorn: cockspur [1], dotted [1], downy [1], Washington
	<i>Malus</i> spp.	crabapple spp.
	<i>Sorbus</i> spp.	mountain ash: European, showy [1]
	<i>Prunus americana</i> <i>Ostrya virginiana</i>	American plum Ironwood
Tall evergreen trees (40 points)	<i>Abies concolor</i>	white fir
	<i>Picea</i> spp.	Spruce: Norway, white
	<i>Pinus</i> spp.	pine: red [1], white [1], Scots
	<i>Tsuga canadensis</i>	Canada hemlock
Medium evergreen trees (20 points)	<i>Thuja occidentalis</i>	American arborvitae
Low evergreen trees (12 points)	<i>Juniperus</i> spp.	juniper: mountbatten, redcedar [1]
	<i>Thuja</i> spp.	arborvitae: pyramidal, techny
Tall deciduous shrubs (5 points)	<i>Cornus</i> spp.	dogwood: gray [1], pagoda, red [1]
	<i>Rhus</i> spp.	sumac: smooth [1], staghorn [1]
	<i>Syringa</i> spp.	lilac: Chinese, hyacinth
	<i>Viburnum</i> spp.	viburnum: arrowwood, wayfaringtree, nannyberry [1]
Medium deciduous shrubs (3 points)	<i>Corylus americana</i>	American filbert, hazelnut
	<i>Cotoneaster</i> spp.	cotoneaster
	<i>Forsythia</i> spp.	forsythia: border, early, weeping
	<i>Rosa</i> spp.	rose: Virginia, rugosa
Low deciduous shrubs (1 point)	<i>Berberis thunbergii</i>	Japanese barberry
	<i>Spiraea</i> spp.	spirea: froebel, snowmound
Medium evergreen shrubs (5 points)	<i>Juniperus chinensis</i>	juniper: Pfitzer
	<i>Taxus</i> spp.	yew: Japanese
Low evergreen shrubs (3 points)	<i>Juniperus</i> spp.	juniper: sargent, creeping, andorra

Notes:

1. Native to Wisconsin
2. Only those species that are not susceptible to the emerald ash borer may be used
3. See "A guide to selecting landscape plants for Wisconsin," E.R. Hasselkus, University of Wisconsin-Extension, Publication A2865 for more plants.
4. The above table may include plants that are not suitable for Zones 4a or 4b.

510.2304 Specifications for landscaping materials

- A. **Generally.** All plant material must be healthy, vigorous, and free of disease and insects.
- B. **Minimum planting size.** Trees and shrubs must meet the minimum planting size established in Exhibit 17-2. Further, trees and shrubs must meet the specifications contained in the most current edition of *American Standard for Nursery Stock* for the corresponding planting size.^[1]
- C. **Turf.** Turf areas may be sodded or seeded. In areas subject to erosion, sod must be used. Sod must be commercially grown and clean and free of weeds, noxious pests, and diseases.
- D. **Mulch.** Where mulch is used as a ground treatment, it must be applied to a maximum depth of 4 inches. A landscape fabric may be placed between the soil and mulch to impede weed growth.

Editorial notes:

[1] Commentary: This publication is published by the American Nursery & Landscape Association and is an approved American national standard (ANSI Z60.1-2004).

Exhibit 17-2. Minimum planting size

Plant category	Minimum planting size
Tree	
Tall deciduous tree	2" caliper
Medium deciduous tree	2" caliper
Low deciduous tree	¾" caliper
Tall evergreen tree	5' tall
Medium evergreen tree	4' tall
Low evergreen tree	3' tall
Shrub	
Tall deciduous shrub	36" tall
Medium deciduous shrub	24" tall
Low deciduous shrub	18" tall
Tall evergreen shrub	24" tall
Medium evergreen shrub	18" tall
Low evergreen shrub	12" tall

510.2305 Credit for preserving existing trees and shrubs

- A. **Generally.** Landscape plantings as required by this article may be satisfied in whole, or in part, by preserving existing trees and shrubs on the subject property.
- B. **Allocation of credits.** An existing tree shall be credited based on its size as shown in Exhibit 17-3. An existing shrub shall be credited on a one-for-one basis regardless of size.
- C. **Location of trees and shrubs.** A tree eligible for credit must be located within 10 feet of a required bufferyard or parking lot to which the credit is to be applied or within the street terrace. A shrub eligible for credit must be located within the area to which the credit is to be applied.
- D. **Condition of trees to be used as credit.** In order to use an existing tree or shrub as credit, the following conditions must be satisfied:
 - (1) The area within the critical root radius (1.5 feet for every diameter inch or 6 feet away from the tree trunk, whichever is greater), must be preserved in its natural state or covered with pervious landscape material and must be retained at original grade with no trenching, cutting of any roots, or compaction of soil.
 - (2) Prior to the commencement of any land-disturbing activity and during the life of the construction project, a temporary barrier must be placed around the tree at the drip line or 6 feet away from the tree trunk, whichever is greater. Such barrier may consist of a plastic mesh or snow fence with poles not more than 15 feet apart.
 - (3) The existing stock may not be damaged from skinning, barking, and the like.
 - (4) The existing stock must be healthy and free from disease, damage, and active insect infestation potentially lethal to the tree.
 - (5) The species is one of the plant species listed in Exhibit 17-1.

Exhibit 17-3. Allowable tree credits

Caliper of existing tree	Number of trees credited
2 inches up to 6 inches	1
6 inches up to 12 inches	2
12 inches up to 16 inches	3
16 inches and greater	4

510.2306 General design and placement guidelines

- A. **Random placement.** To the extent possible, plants must be randomly placed so as to give a natural appearance.
- B. **Planting beds.** Where required, shrubs must be placed in planting beds with mulch.
- C. **Proximity to specified features.** Trees and shrubs must be separated from driveways, fire hydrants, utility poles, and utility pedestals and cabinets as listed in Exhibit 17-4.
- D. **Proximity to overhead utility lines and the like.** Trees and shrubs may not be placed where they will require frequent pruning in order to avoid interference with overhead utility lines, buildings, or other structures.
- E. **Placement within vision triangle.** Landscaping within a vision triangle must be consistent with the standards in § 510. [redacted].
- F. **Integration with natural amenities.** When a site abuts a natural amenity such as a stream, park, or other open space, the landscape plan must integrate with, and respect the natural integrity of the amenity.
- G. **Integration with stormwater facilities.** Detention and retention ponds must be designed to be physically, functionally, and visually integrated into adjacent landscape areas.
- H. **Snow storage.** Landscape plants should not be located in areas reserved for snow storage, except when such plants are salt-tolerant and will not be otherwise damaged.

Exhibit 17-4. Minimum separation from specified objects

	Tree	Shrub
Driveway	10'	6'
Fire hydrant	8'	6'
Utility pole	20'	6'
Utility cabinet and pedestal	8'	6'
Street intersection	30'	30'

510.2307 Plant diversity

- A. **Tree species.** The maximum number of required trees in the same genus must comply with the proportions established in Exhibit 17-5. For example, if three tree species are required, a species in three different genres must be used (e.g., *Quercus* - oaks, *Acer* - maples, *Pinus* - pines).
- B. **Shrub species.** It is recommended that the proportion of required shrubs and ground cover follow the standards established in Exhibit 17-5, except that different species within the same genus may be used.

Exhibit 17-5. Plant diversity requirements and recommendations

Required number of plants	Maximum proportion of tree species in same genus	Recommended proportion of same species for shrubs
11 to 20	30%	25%
21 to 30	25%	20%
31 to 40	20%	15%
41 to 50	15%	10%
51 and more	10%	10%

510.2308 Maintenance

- A. **Generally.** All landscaping must be maintained in good condition so as to present a healthy, neat, and orderly appearance, free from refuse, weeds, and debris.
- B. **Responsibilities.** The current landowner must be responsible for maintaining the vegetation, irrigation system, screening devices, and other landscape components as may be required by this article.
- C. **Maintenance practices.** Maintenance consists of regular and normal maintenance practices of landscaping including weeding, irrigation, fertilizing, pruning, and mowing. Plant materials that exhibit significant levels of insects, pests, diseases, or damage must be treated as appropriate.
- D. **Replacement, generally.** Plant materials which were planted as required by this article or which were used as a credit and which die or are irreparably damaged must be removed and replaced with living plant materials consistent with the approved landscape plan or as required by this article.
- E. **Replacement following a natural disaster.** Plant materials that were planted as required by this article or which were used as a credit and which die or are irreparably damaged due to a natural disaster, such as area-wide flooding or high wind, must, within 2 years of such event, be removed and replaced with

plant materials consistent with the approved landscape plan or as required by this article. With just cause, the Common Council may on a case-by-case basis grant an extension of 2 additional years upon written request, or pass a resolution granting a blanket extension to all affected properties in the city.

- F. **Staking.** It is recommended that stakes and cables used to support a tree be removed within 24 months of planting.

510.2309 Use of low-water-adaptive vegetation

The use of low-water-adaptive vegetation should be incorporated into landscape designs to the extent possible. When the total amount of landscaping in a project, excluding terrace areas, exceeds 5,000 square feet, at least 30 percent of the required vegetation must be low-water-adaptive vegetation and planted in one or more groupings.

510.2310 Berms

- A. **Maximum slope and form.** In order to facilitate maintenance and efficient irrigation water usage, a berm may not exceed a slope of 3:1 (i.e., for every 3 feet of horizontal run the vertical height is one foot). A berm must be graded to appear as a curvilinear, naturalistic form.
- B. **Construction.** A berm must be compacted during the construction process so as to minimize settling.
- C. **Stabilization.** A berm must be covered with turf or mulch along with required plant materials.
- D. **Effect on stormwater flow.** A berm may not be designed or placed so as to divert the normal flow of stormwater to the detriment of surrounding properties.
- E. **Placement with respect to existing trees and shrubs.** No portion of a berm may be placed within the critical root zone (1.5 feet for every diameter inch) of a tree.
- F. **Placement within vision triangle.** A berm located within a vision triangle must comply with the standards in § 510. .

510. 2311 through 510. 2349 reserved

DIVISION 2 BUFFERYARDS

510.2350 General description

A bufferyard consists of a strip of undeveloped land with landscaping or other visual screening and is intended to provide a physical and visual separation between two incompatible land uses.

510.2351 Applicability

- A. **Generally.** A bufferyard is required at the time of development along the side and rear lot lines of the lot being developed when it abuts another lot in a different zoning district and when the lot being developed was:
- (1) created by a land division of any type approved after , 2023,
 - (2) rezoned to another zoning classification after , 2023.
- B. **Conditional use.** As a condition of approving a conditional use, the Plan Commission may require that a bufferyard be incorporated into the project's overall design. The standard imposed is based on the degree of incompatibility between the adjoining use and the conditional use.

- C. **Dual responsibility.** When two adjoining parcels are vacant and they are located in different zoning districts, one half of the required bufferyard must be located on each parcel (i.e., one half of the required width and one half of the required plants).
- D. **Single responsibility.** When a vacant parcel adjoins a developed parcel and each are located in different zoning districts, the bufferyard must be located on the vacant parcel.

510.2352 General provisions

- A. **Relationship of fencing and plantings.** When a fence or berm is used in conjunction with plantings, one-half of the required number of landscape points must be planted between the fence or berm and the property line.
- B. **Use of bufferyard.** A bufferyard must be undeveloped, except that the zoning administrator may allow the following in a bufferyard:
 - (1) an unpaved fire lane, ^[1]
 - (2) utility boxes and cabinets when necessary,
 - (3) a paved bicycle/pedestrian path or a paved sidewalk when necessary to allow for proper on-site and off-site pedestrian circulation,
 - (4) a paved vehicular access between the adjoining parcels provided it is located in the least intrusive location and is located generally perpendicular to the property boundary line,
 - (5) stormwater management facilities, and
 - (6) other structures and features deemed compatible by the administrator.

If a utility easement is located along the property boundary line where a bufferyard is also required, the width of the easement may be used to satisfy the width requirement of the bufferyard, in whole or in part, provided none of the required landscaping and/or fencing is located within the utility easement.

- C. **Multi-use developments and mixed use.** For multi-use developments on a single lot, the use nearest the property line determines the bufferyard requirement for that area. For mixed uses (two or more uses in the same structure), the higher intensity use determines the bufferyard requirement.
- D. **Recording of easement.** The bufferyard must be shown on the face of the final plat or certified survey map (CSM) with the following narrative:

"The bufferyard(s) shown on the face of this [plat /certified survey map] was established to comply with Section 510. [redacted] of Bayfield's zoning code in effect at the time of approval. A bufferyard may not be developed or used, except in conformance with Article 17 of the zoning code, and the property owner is responsible for maintaining a level of landscaping that meets the bufferyard requirements in effect at the time of filing of this [plat /certified survey map]. This bufferyard may only be removed by the Bayfield Plan Commission consistent with Article 17."
- E. **Longevity.** Bufferyards must be maintained in perpetuity. However, the Plan Commission may terminate a bufferyard when (1) the parcel containing the bufferyard is rezoned to the same zoning classification as the adjoining parcel or (2) when the adjoining parcel is rezoned to the same zoning classification as the parcel with the bufferyard. Such termination must reference the original document depicting the bufferyard and be recorded with the register of deeds for Bayfield County.
- F. **Ownership.** When a bufferyard is required in a subdivision, it must be held in common by a homeowners association or incorporated into the adjoining lots.

Editorial notes:

[1] Commentary: A number of products have been introduced in recent years that allow grass to grow in a plastic-type mesh that is capable of supporting a fire truck.

510.2353 Determination of required bufferyard

The determination of a bufferyard requirement is a two-step process as follows:

Step One – Identification of required bufferyard standard. The required bufferyard standard is determined using Exhibit 17-6. First determine which of the two zoning districts allows the most intense development. Next, find that zoning designation at the top of the table and then move down the column to the cell where the zoning designation of the other district intersects. If a bufferyard is required, a letter will be shown in that cell. If the parcel being developed adjoins land in the town, that municipality’s zoning classification that most closely corresponds to the city’s zoning classification is used to determine bufferyard requirements.

Step Two – Identification of detailed bufferyard requirements. In the next step, the developer chooses how the required standard will be met. For each standard, a variety of width, landscaping point, berm, and fence combinations are possible as listed in Exhibit 17-7. The requirements must be provided for each 100 feet or fraction thereof. Different landscaping point options may be used along the length of a bufferyard, provided no such segment is less than 100 feet.

Exhibit 17-6. Standards for a bufferyard between different zoning districts

Other zoning district	Zoning district allowing the greatest intensity or density							
	R-1	R-3	B-1	B-2	B-3	C-1	I-1	P-1
R-1		A	A	A	A	-	A	-
R-3			-	-	A	-	A	B
B-1				-	-	-	-	B
B-2					-	-	-	B
B-3						-	-	B
C-1							-	-
I-1								B
P-1								

Zoning Districts

- R-1 General Residential
- R-3 Multifamily Residential
- B-1 General Commercial
- B-2 Waterfront Commercial
- B-3 Hospitality Commercial
- C-1 Conservancy
- I-1 Public and Semipublic
- P-1 Park and Recreation

Notes:

1. A dash "-" means that a bufferyard is not required.
2. For A, B, C, and D see Exhibit 17-7 for the width of the bufferyard and related landscaping requirements.

Exhibit 17-7. Detailed bufferyard requirements

A	Width	Points per 100 feet	Required fence or berm [1]
A-1	8'	150	Fence [3,4,5]
A-2	10'	200	-
A-3	15'	150	-
A-4	20'	125	-
B			
B-1	15'	100	Fence [3,4,5]
B-2	15'	300	-
B-3	20'	200	-
B-4	25'	150	-
B-5	30'	125	-

Notes:

1. A dash "-" means not applicable
2. All schematics are intended to be illustrative.
3. Maximum height allowed controlled by Article 17.
4. When a fence is used, at least 50 percent of the required plant materials must be located on the exterior side (the side away from the center of the subject property) of the fence. If at the time of development, there is a fence on the adjoining property, this planting requirement does not apply.
5. When a fence is used to enclose an activity or storage area, a fence may not be used in the bufferyard.

510.2354 through 510.2369 reserved

**DIVISION 3
LANDSCAPING**

510.2370 Applicability

The provisions of this division apply to the following:

- (1) construction of a principal building, except for single-family and two-family residences and agricultural buildings;
- (2) expansion of a principal building that is subject to this division by 500 square feet or more; and

- (3) expansion of a parking area.

510.2371 Street frontage landscape requirements

- A. **Minimum amount required.** A minimum of 60 landscape points are required along a public street right-of-way on a prorated basis for every 100 linear feet of frontage.
- B. **Placement on lot.** Plants required by this section must be located within 10 feet of the public right-of-way. In no instance may such landscaping be located within a public right-of-way.
- C. **Use of various plant types.** Only tall, medium, and low trees may be used for street frontage plantings. The following trees may not be used as street trees because of undesirable traits (e.g., weak wood, form, fruit/nut litter):
 - (1) silver maple,
 - (2) box elder,
 - (3) butternut,
 - (4) black walnut,
 - (5) any other tree so designated by the zoning administrator.

A minimum of 50 percent of the required landscape points must be devoted to tall deciduous trees and a minimum of 30 percent of the points shall be devoted to medium deciduous trees.

510.2372 Parking lot landscape requirements

- A. **Minimum amount required.** A minimum of 100 landscape points are required on a prorated basis for every 10,000 square feet of paved area. For example, a minimum of 303 landscape points are required within a parking area consisting of 25,200 square feet (approximately 63 stalls) as follows:
 $((25,200/10,000) \times 100) = 252$.
- B. **Use of various plant types.** A minimum of 60 percent of all landscape points must be devoted to tall trees and a minimum of 20 percent of all points may be devoted to shrubs.
- C. **Placement within a landscaped area.** A minimum of 325 square feet of landscaped area must be located within the perimeter of the paved area for the placement of every 100 landscape points, or fraction thereof.
- D. **Bioretention areas.** Bioretention areas that are used to treat stormwater runoff from parking areas should be integrated into landscape areas as may be required in this section.

510.2373 through 510.2399 reserved

ARTICLE 18 PARKING, LOADING AND ACCESS

510.2400 Legislative findings

The Common Council makes the following legislative findings:

- (1) The design of parking areas and site access is critically important to the economic viability of commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability.
- (2) Standards are needed to establish the minimum and maximum number of parking spaces that are needed to serve various land uses.
- (3) Excessively large parking lots increase the cost of development, create an unhealthy built environment, contribute to the heat island effect associated with urban areas, and decrease the infiltration of storm water into the ground.
- (4) Shared parking can reduce parking facility costs (including aesthetic and environmental impacts), allows greater flexibility in facility location and site design, and encourages more efficient land use.
- (5) Parking lots and their access represent a vital connection between the local transportation network and land uses.
- (6) Incorrectly designed parking lots and site access can have negative impacts on the site, the adjacent and nearby public roadways, and the image of the business community.

510.2401 Purpose

This article promotes the public health, safety, and general welfare and is intended to:

- (1) increase the safety and capacity of public streets by requiring off-street parking and off-street loading facilities,
- (2) minimize adverse effects of off-street parking and off-street loading facilities on adjacent properties and surrounding neighborhoods,
- (3) lessen congestion and prevent the overtaxing of public roads by regulating the location and capacity of off-street parking and off-street loading facilities,
- (4) maintain and enhance a safe and efficient transportation system,
- (5) minimize the occurrences of motor vehicles backing into public roads, and
- (6) minimize impervious surfaces.

510.2402 General design principles

Parking areas, loading births, driveways, and access must be designed based on the following principles:

- (1) Provide continuous flow of traffic through the parking area.
- (2) Allow safe movement of pedestrians from parking areas to buildings.
- (3) Avoid conflicts between vehicular, bicycle, and pedestrian traffic. Pedestrian circulation takes precedence over vehicular circulation.
- (4) Ensure that site facilities and amenities are accessible to people with disabilities as required by this article and the Americans with Disabilities Act (ADA).
- (5) Allow for appropriate landscaping of parking areas without conflicting with outdoor lighting.
- (6) Ensure that emergency service vehicles are able to travel through parking areas, including fire trucks.
- (7) Minimize impervious surfaces.
- (8) Allow for the logical expansion of parking areas to accommodate different land uses or an expansion of an existing use.

- (9) Ensure that the stormwater generated on the site is accommodated consistent with City requirements.
- (10) Queuing of vehicles must be designed to prevent stacking of vehicles onto a public right-of-way.
- (11) Ingress and egress of parking spaces must occur on private property and not cross into the public right of way (sidewalks or streets) to gain access to parking spaces.

510.2403 Turning radius

In addition to all of the specific design requirements described in this article, loading births, driveways, and access aisles must be designed to accommodate a turning template for a **WB-50** truck which represents the turning radius of the City's largest fire truck. (*verify*)

510.2404 Off-street parking areas

- A. **Applicability.** The requirements and standards for off-street parking apply to new site development, an expansion or modification of an existing parking area, and a change in occupancy, subject to the standards below.
 - (1) When the use or occupancy of building, structure, or land changes to a new use, another use or a new occupant, additional on-site parking spaces must be constructed if the new use, another use, or new occupant requires a minimum amount of on-site parking spaces more than already exists on the subject site.
 - (2) When site constraints and/or other standards in this chapter do not allow enough space to provide for the minimum amount of required on-site parking spaces for a change in use or occupancy of a building, structure, or land as stated above, the Plan Commission may, at its discretion, grant an exemption to the requirement of constructing additional parking spaces. The applicant requesting a change in use or occupancy must demonstrate how site constraints and/or other standards of this chapter do not allow construction of additional on-site parking spaces, and must provide justification that there are sufficient off-site parking spaces available for overflow parking, such as street parking or shared parking on neighboring or nearby properties.
 - (3) When a building is expanded, additional minimum parking spaces or loading facilities are mandatory only in the amount by which the requirements of the new use or occupancy exceed those for the existing or prior use or occupancy.
- B. **Proximity of parking to principal use.** Parking spaces must be located on the same lot with the principal use, except as provided in this article.
- C. **Location of parking.** All parking spaces required herein must be located on the same lot with the building or use served, or may be located not to exceed 400 feet from the principal use. Off-street parking is permitted in all yards of all districts except in the non-driveway front yards of single-family and two-family residence districts but shall not be closer than 5 feet to a residential side lot line or rear lot line or closer than 15 feet to a right-of-way. No parking space or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line. Off-street parking in the single-family and two-family residence districts is permitted in the front yard in the driveway, even though closer than 5 feet to a side lot line providing the driveway conforms to the requirements in ch. 206 of the municipal code.
- D. **Accessibility.** Parking spaces must be accessible at all times from a street, an alley, or a driveway intended to serve such parking. No parking area consisting of 2 or more parking spaces may be designed to require a motor vehicle to back into a public street, except for single-family dwellings and duplex units.
- E. **Use of parking spaces.** Off-street parking areas for non-residential uses must be for occupants, employees, visitors, and patrons. The storage of merchandise, supplies, motor vehicles for sale, or the repair of vehicles in a parking area is prohibited, unless otherwise allowed in this chapter. In addition, overnight camping (e.g., RVs) in a parking area is prohibited.
- F. **Surfacing.** An off-street parking area (i.e., spaces and aisles) must be hard surfaced (e.g., concrete, asphaltic concrete, pavers, or any other product as approved by the city engineer).
- G. **Curb and gutter.** All vehicle use areas with parking for **20** or more vehicles on a subject property, must be constructed with full concrete and gutter surrounding the vehicle use areas (both driveways and parking areas); except the Plan Commission may waive the requirement of curb and gutter if an existing parking

lot is expanded that does not have curb and gutter. Gaps in the curbing may occur to facilitate property parking lot drainage.

- H. **Timing.** Parking spaces and aisles, and with curb and gutter, if required, must be installed before the granting of occupancy for the use or uses for which the vehicle use areas are provided. If weather conditions during the late fall to early spring seasons do not allow installation of the permanent surface and curb and gutter, the building inspector may grant temporary occupancy, provided a solid surface of gravel is provided and the property owner and City enter into a written agreement, with a financial guarantee, that requires completion no later than June 1 or as specified in the agreement.
- I. **Marking of parking spaces.** Parking spaces in an off-street parking area must be clearly marked if there are more than **3** parking spaces.
- J. **Pedestrian routes in a parking area.** When a pedestrian circulation route crosses a vehicular route, a crosswalk should be provided to improve pedestrian safety.
- K. **Drainage.** An off-street parking area must be properly graded for drainage consistent with standards adopted by the City, and as approved by the city engineer.
- L. **Snow storage.** Required parking spaces and access aisles must not be used for snow storage. Areas used for snow storage must be clearly depicted on the site plan if snow will be stored on site.
- M. **Signage.** Signage related to off-street parking and on-site traffic circulation must comply with the requirements in Article **16**.
- N. **Landscaping.** Landscaping for an off-street parking area must be provided consistent with the requirements in Article **17**.
- O. **Outdoor lighting.** Outdoor lighting in a parking area must be provided consistent with the requirements in Article **19**.
- P. **Screening.** When a parking area with **5** or more parking spaces adjoins a property in a residential zoning district or a planned development district primarily for residential purposes or fronts on a street, a 4-foot screen must be installed within 15 feet of the edge of pavement. The screen may consist of landscaping, a berm, a fence, or any combination that provides an effective visual barrier.
- Q. **Minimum number of spaces.** Off-street parking spaces must be provided in the number specified in Appendix **B**, except as follows:
- (1) Land uses located in the **downtown parking overlay district** are not required to provide off-street parking. (Alternatively, could just refer to B-1 and B-2 districts.) **OR** Off-street parking is not required for buildings existing in the Commercial or Waterfront Zoning District as of August 26, 2008, except such off-street parking as is already in existence as of such date.
 - (2) A building may not be expanded, nor its use or uses changed, nor the number of its uses or separately used components increased, unless sufficient off-street parking is provided to meet the requirements of this section that would apply to such altered building and/or use(s) if constructed after August 26, 2008, provided that a change of use only of a building in the **downtown parking overlay district** or (**Commercial or Waterfront Zoning District**) shall not require the provision of any off-street parking not already in existence as of August 26, 2008.
 - (3) The Plan Commission may, by the granting of a special exception, reduce the number of parking stalls otherwise required by this section. In determining whether a special exception should be granted for such purpose, the Commission shall consider the conditions and factors listed § 500-35, pertaining to the issuance of conditional use permits, to the extent applicable.
 - (4) When bicycle parking is provided consistent with this article, bicycle parking spaces may be used to satisfy the number of required parking spaces up to a maximum of **4** percent provided the number of required parking spaces is **25** or more. For example, if the parking standards as applied to a project call for 100 vehicle parking spaces, no more than 4 bicycle parking spaces may be substituted (96 vehicle parking spaces and 4 bicycle parking spaces).
- R. **Maximum number of spaces.** For land uses located in a business, mixed-use, or industrial zoning district, the number of parking spaces provided in a ground surface parking lot must not exceed the number of minimum parking spaces by more than 15 percent, except that the Plan Commission may allow more parking spaces above that threshold as a special exception pursuant to the procedures and requirements

in Article 5 provided the commission determines that additional spaces are needed for that particular use or location. There is no maximum limit on the number of parking spaces when located in a parking garage or similar structure.

- S. **Mixed-use requirements.** For mixed uses, the total requirements for off-street parking spaces is the sum of the requirements for the various land uses. Off-street parking facilities for one use may not be considered as providing parking facilities for any other use except when considered shared parking as allowed in this article.
- T. **Compact cars and motorcycles.** Up to 10 percent of the required number of parking spaces may be sized for compact cars and/or motorcycles. Such parking spaces must be so designated by a sign or other means approved by the building inspector.
- U. **Electric vehicle charging station.** Any parking area with 20 spaces or more must have one parking space with direct access to an electric vehicle charging station for every 20 spaces, plus one parking space with electric infrastructure for a future charging station for every fraction thereof.
 - OR Any parking area with 20 spaces or more must have electrical charging stations to service at least 4 percent of the parking spaces or fraction thereof.
 - OR If charging stations are not installed at the time of construction, underground conduits to future charging stations should then be installed to lessen installation costs when a station is added at a later date.

510.2405 Shared parking

- A. **Generally.** The zoning administrator, in his/her discretion, may allow shared parking consistent with this section during the site plan review process provided the applicant clearly shows the timeframe for peak parking demand varies between the different land uses that are subject to the shared parking arrangement. By way of example, Exhibit 18-1 shows different land uses that could potentially share parking spaces.

Exhibit 18-1. Examples of land uses that could potentially share a parking area

Land uses with typical weekday peaks	Land uses with typical evening peaks	Land uses with typical weekend peaks
Banks	Auditoriums	Religious institutions
Schools	Bars and dance halls	Parks
Distribution facilities	Meeting halls	Malls (some types, but not all)
Factories	Restaurants (some types, but not all)	
Medical clinics	Movie theaters	
Offices		
Professional services		

- B. **Maximum.** The maximum amount of required parking spaces that can be shared is 50 percent of the lesser number of required spaces. For example, if the first land use requires 100 parking spaces and the second land use requires 50 spaces, the maximum number of shared spaces is 25.
- C. **Minimum requirements.** Shared parking must meet the standards listed below.
 - (1) The area of the parking lot that is designated for shared use, must be located on an adjoining parcel and within 500 feet of the building or use requiring the parking.
 - (2) Directional signage is provided where appropriate and allowed.
 - (3) Pedestrian routes are direct, clear, and safe.
- D. **Shared use agreement.** The parties involved in the joint use of off-street parking facilities must document their agreement for such shared use by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of this part, must be recorded in the Bayfield County register of deeds office, and a copy filed with the zoning administrator.

- E. **Effect on other standards.** Driveways, parking areas, and parking spaces of adjacent properties with a shared parking arrangement may be allowed to cross property lines and encroach the green space setback as required within the zoning district standards of the subject property. The elimination of the green space setback shall be only along the property line adjacent to the property to which a shared parking agreement is in place. The required green space square footage not provided along the property line due to the share parking agreement must be provided elsewhere on the subject site, in addition to the required green space of other property line setbacks.

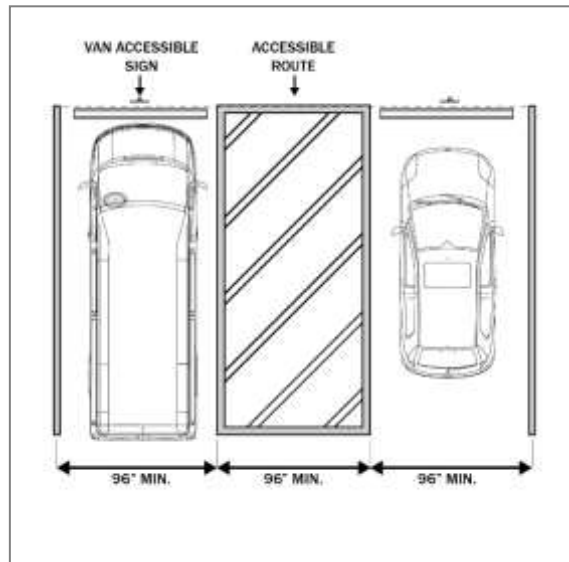
510.2406 Accessible parking spaces

- A. **Generally.** Accessible parking spaces must be provided subject to this part; the Americans with Disability Act (ADA), as may be amended; and the *ADA Standards for Accessible Design* 28 CFR 36, revised as of July 1, 1994 as may be amended. In the event, state and federal regulations are more controlling than the requirements in this section, the state and federal regulations control.
- B. **Number required.** If parking spaces are required, then accessible spaces must be provided in the required number of regular spaces in the quantity shown in Table 18-1. One of 8 accessible parking spaces, but always at least one, must be van-accessible.
- C. **Location.** Accessible spaces serving a particular building must be located on the shortest accessible route of travel between the parking and the accessible entrance. When there are multiple entrances to a building of similar prominence (e.g., shopping mall) with near-by parking, accessible spaces must be dispersed and provided at each location. In parking facilities that do not serve a particular building, accessible parking must be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.
- D. **Dimensions.** Accessible parking spaces must be at least 96 inches wide.
- E. **Vertical clearance.** For van-accessible parking spaces, a 98-inch high clearance must be maintained above the space, access aisle, and on the route to and from the van-accessible space.
- F. **Maximum slope.** Accessible spaces and adjoining access aisles must have a maximum slope of 1:50 in all directions. When accessible spaces are provided in an existing parking lot, the spaces must be located on the most level surface close to the accessible building entrance.
- G. **Signage.** Each accessible space must be so designated with a sign identified by the international symbol of accessibility mounted on a vertical pole. In addition, van-accessible spaces must be so designated with a sign indicating "Van Accessible." Such signs must be located so they cannot be obscured by a vehicle parked in the space (at least 6 feet in height).
- H. **Pavement striping and markings.** The boundary of the access aisle must be marked and the end of which may be squared or a semicircle. Additional pavement markings denoting the space are optional.
- I. **Accessible route.** An accessible route must be provided from the accessible parking space to the accessible entrance of the building. It must be at least 36 inches wide, without steps or curbs. It must be paved and not contain any feature that would restrict, inhibit, or unreasonably impeded the movement of a physically disabled individual.

Table 18-1. Minimum number of accessible parking spaces

Number of required parking spaces	Number of additional accessible spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1,001 and over	20; plus 1 for each 100 over 1,000

Exhibit 18-2. Layout of standard and van accessible parking



- J. **Access aisle.** An access aisle for an accessible space must be the same length as the adjacent parking space it serves and be at least 60 inches wide for car access and 96 inches wide for van-accessibility. Two adjoining accessible parking spaces may share a common access aisle (Exhibit 18-1). An access aisle for a passenger loading zone must be 60 inches wide and 20 feet long and adjacent and parallel to the space.

510.2407 Bicycle parking

- A. **Generally.** Bicycle parking may be provided consistent with the recommended standards in Appendix B.
- B. **Location.** Bicycle parking must be located in visible and prominent locations near the building entrance and must be as close, or closer to the entrance than the nearest parking space. Under no circumstance should bicycle parking be more than 100 feet from the building entrance. Where there is more than one building on a site, or where a building has more than one main entrance, the parking must be distributed to serve all buildings or main entrances. If possible, racks should be protected from the elements by a roof, awning, overhang, or similar covering. Racks must not be placed so they block the entrance or inhibit pedestrian flow in or out of the building.
- C. **Design.** Bicycle parking areas should be incorporated into the overall building design, parking lot layout, and pedestrian circulation and coordinated with street furniture (e.g., benches, street lights, planters) when it is part of the overall project.
- D. **Accessibility.** Each bicycle parking space must be accessible without moving another bicycle. In most circumstances, a space 2 feet by 6 feet is adequate. When needed, an aisle at least 5 feet wide must be provided.
- E. **Lighting.** Bicycle parking spaces must have adequate lighting to promote security and avoid vandalism and theft.
- F. **Rack design.** Bicycle parking may be provided in ground, wall, or ceiling mounted racks. Ground-mounted racks should meet the following requirements:
 - (1) The rack holds the bicycle frame, not just a wheel.
 - (2) A U-shaped shackle lock can be used to secure the bicycle to the rack.
 - (3) The rack is designed to accommodate a wide range of bicycle sizes, wheel sizes, and types.
 - (4) The rack is covered with material that will not chip the paint off of a bicycle that leans against it.
 - (5) The rack does not have hazards, such as sharp edges.
 - (6) The rack is securely fastened to the ground, a wall, or other solid surface.

510.2408 Off-street loading berths

- A. **Applicability.** Off-street loading berths are required when so indicated in Appendix B.
- B. **Minimum number of loading berths.** Those buildings subject to this section must provide one or more loading berths as specified in Table 18-2.
- C. **Dimensional standards.** A loading berth must comply with the dimensional standards in Table 18-3. The minimum vertical clearance also applies to all areas providing access to the loading berth.
- D. **Location.** A loading berth must not be located on the front of the building, except when entirely located within the building and the access door is integrated into the overall design of the building. A loading berth must not be located within a required side yard setback area. A loading berth must not be located within a public road right-of-way or interfere with the intended use of a public road right-of-way. A loading berth or access to a loading berth must not interfere with onsite traffic or pedestrian circulation or on-site parking.

Table 18-2. Minimum number of loading berths

Floor area	Minimum number of loading berths
6,000 to 12,499 square feet	1 small berth
12,500 to 24,999 square feet	2 small berths
25,000 to 39,999 square feet	1 large berth

Table 18-3. Dimensions of loading berths by type

Type	Minimum width	Minimum length	Minimum overhead clearance
Small berth	10 feet	25 feet	14 feet
Large berth	12 feet	50 feet	14 feet

- E. **Surfacing.** A loading berth must be hard surfaced (e.g., concrete, asphaltic concrete, pavers, or similar product). If it is not possible to hard surface a loading berth between November 1 and April 1, the city building inspector may issue an occupancy permit provided the property owner and zoning administrator enter into a written agreement that requires completion no later than June 1.
- F. **Marking.** A loading berth must be clearly marked.
- G. **Use.** A loading berth must only be used for loading and unloading of vehicles.
- H. **Drainage.** A loading berth must be properly graded for drainage consistent with standards adopted by the City, if any, and as approved by the city engineer.
- I. **Outdoor lighting.** Outdoor lighting for a loading berth must comply with the requirements in Article 20.
- J. **Screening.** The Plan Commission may recommend and the Common Council may require screening (e.g., landscaping, berm, fence, or any combination) when the use of the loading berth has the potential of negatively impacting adjoining residential uses.

510.2409 Highway access

- A. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction. No direct public or private access shall be permitted to the existing or proposed rights-of-way of freeways, interstate highways and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes (such as exit and entrance ramps). No driveway openings shall be permitted within 100 feet of the intersection of an arterial street right-of-way line.
- B. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highway.
- C. Temporary access to the above rights-of-way may be granted by the zoning administrator after review and recommendation by the highway agencies having jurisdiction. Such access permit must be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

510.2410 Driveways

Driveways that are installed, altered, changed, replaced or extended must meet the standards in this article and ch. 206 of the municipal code.

510.2411 through 510.2499 reserved

Chapter 273. Lighting, Exterior

[HISTORY: Adopted by the Common Council of the City of Bayfield 10-5-2004 by Ord. No. 318. Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. **289**.

Subdivision of land — See Ch. **474**.

Zoning — See Ch. **500**.

§ 273-1. Title.

This chapter shall be known as "The Bayfield Exterior Lighting Ordinance."

§ 273-2. Purpose and intent.

- A. It is the intent of this chapter to define practical and effective measures by which the obtrusive aspects of excessive and/or careless outdoor light usage can be minimized, while preserving safety, security and the nighttime use and enjoyment of property. These measures will reasonably curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy-efficient sources, and decreasing the wastage of light and glare resulting from overlighting and poorly shielded or inappropriately directed lighting fixtures.
- B. In adopting this chapter, credit is hereby given to the International Darksky Association for its assistance in providing valuable information and guidance.

§ 273-3. Conformance with applicable codes.

All outdoor illuminating devices shall be installed and maintained in conformance with the provisions of this chapter, and Article **VIII**, Signs, of Chapter **500**, Zoning, of the Code of the City of Bayfield, and under appropriate permit and inspection.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 273-4. Applicability.

- A. New uses, buildings and major additions or modifications. For all proposed new land uses, developments, buildings, and structures that require a building permit or other authorization from the City, all outdoor lighting fixtures shall meet the requirements of this chapter. All building additions or modifications of 25% or more in terms of additional dwelling units (rooms), gross floor area, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this provision, shall invoke the requirements of this chapter for the entire property, including previously installed and any new outdoor lighting
- B. Existing uses. Existing uses shall be exempted from the provisions of this chapter in the circumstances as described in § **273-13A**. Existing uses and lighting which substantially deviates from § **273-2**, Purpose and intent, set forth above, and which are brought to the attention of the City Council by an aggrieved party, may constitute a public nuisance under § **273-2**, and subject to abatement or other relief.
- C. Presumption of use after abandonment. If a property or use with nonconforming lighting is abandoned as defined below, then all outdoor lighting shall be reviewed and brought into compliance with this chapter before the use is

resumed.

- D. Roadways. Municipal lighting for public roadways is exempt from the provisions of this chapter. The City, in conjunction with the WI DOT, will review the municipal lighting with the intent of both meeting the WI DOT guidelines and the spirit and intent of this chapter.

§ 273-5. Shielding and outdoor lighting standards.

- A. All nonexempt outdoor lighting fixtures shall be fully shielded.
- B. All nonexempt outdoor lighting fixtures shall be placed so as to not cause light trespass or light glare beyond the property boundary.
- C. All nonexempt outdoor lighting fixtures shall be of a type and placed so as to not allow any light above the horizontal, as measured at the luminaire.
- D. Seasonal decorations using typical unshielded low-wattage incandescent lamps shall be permitted from November 10 through January 30.
- E. All lighting for commercial, industrial and any other nonresidential activities shall be extinguished between 11:00 p.m. (or when the business closes, whichever is later) and sunrise. Security lighting for these establishments shall conform to the other provisions of this chapter.
- F. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.
- G. Sensor activated luminaries are permitted provided:
 - (1) It is located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way.
 - (2) The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased.
 - (3) The luminaire shall not be triggered by activity off of the property.
- H. Placement and height of luminaries.
 - (1) Parking area luminaries shall be no taller than 17 feet from the ground at their tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level versus fewer in number, higher in height and higher in light level.
 - (2) Freestanding luminaries on private property in residential zones shall be mounted at a height equal or less than the sum of $H = (D/3) + 3$, where D is the distance in feet to the nearest property boundary, but shall not be higher than 15 feet, whichever is less.
 - (3) Streetlights used on arterial roads may exceed 20 feet in height, with the recommendation of the City Council, and only with the finding that exceeding 20 feet is necessary to protect the safety of residents.
 - (4) Luminaries used for playing fields shall be exempt from the height restriction provided all other provisions of this chapter are met and the light is used only while the field is in use.

§ 273-6. Outdoor advertising signs.

- A. External illumination for signs shall conform to all provisions of this chapter. All upward-directed sign lighting is prohibited.
- B. Neon lights are permitted pursuant to Article **VIII**, Signs, of Chapter **500**, Zoning, of the Code of the City of Bayfield, provided that they are only used during business hours.

§ 273-7. Waterfront lighting.

- A. The purpose of this section is to minimize light pollution of the waterfront environment without significantly inhibiting safety and security.
- B. This section applies to all lighting on berthing structures, piers or docks or designed to illuminate those structures. Light fixtures which do not conform to these provisions may be allowed with a conditional use permit upon a showing of special circumstances affecting safety, security, or general public interest. Nonconforming lighting in existence on the effective date of this section must be brought into compliance within five years.
 - (1) Flashing and rotating lights are prohibited.
 - (2) Lighting inside a boathouse and intended to illuminate its interior is permitted.
 - (3) Lighting on exteriors of berthing structures, piers or docks shall be fitted with opaque shields to prevent direct visibility of the lamp to persons on public waters or adjacent lands more than 50 feet beyond the berthing structure.
 - (4) Lighting not mounted on a berthing structure, piers or docks but designed to illuminate such a structure or its immediate vicinity shall comply with Subsection **B(3)** above.
 - (5) Lighting installed on, or intended to illuminate, seasonally used berthing structures, piers or docks shall be turned off when not required for safety or security.
 - (6) Public marinas may install illuminated signs with opaque shaded or shielded lighting that provide information pertaining to applicable federal state or municipal rules and regulations relating to electrical, fueling, waste and sewage disposal or other safety and environmental matters. Such sign illumination shall not be visible from off the berth structure, piers or docks.

§ 273-8. Special uses.

- A. Recreational facilities.
 - (1) Lighting for outdoor athletic fields, courts or tracks shall be exempt from the lumens limits of this chapter.
 - (2) Shielding. Fully shielded lighting is required for fields designed for Class III or IV levels of play (e.g., amateur or municipal league, elementary to high school, training, recreational or social levels).
 - (3) Off-site spill. The installation shall also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design.
 - (4) Curfew. All events shall be scheduled so as to complete all activity no later than 10:30 p.m. Illumination of the playing field, court or track shall be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities shall be turned off within 30 minutes after the last event of the night.
- B. Service station canopies and parking structures.
 - (1) Shielding. All luminaires mounted on or recessed into the lower surface of service station canopies and parking structures shall be fully shielded and utilize flat lenses.
 - (2) Total under-canopy output: The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 215 lumens per square meter (20 lumens per square foot) not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy, any lighting within signage or illuminated panels over the pumps, and is to be included toward the total at full initial lumen output.
 - (3) The lumen output of lamps mounted on or within the lower surface of a canopy is included toward the lumens per acre according to the method defined in above. Other lighting located under a canopy but not mounted on or within the lower surface is included toward the lumen caps at full initial output.
- C. Generally. All lighting not directly associated with the special use areas above shall conform to the lighting standards described in this chapter, including but not limited to the lamp type and shielding requirements and the

lumens limits.

§ 273-9. Submission of plans and evidence of compliance.

A. Submission contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this chapter. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of the City upon application for the required permit.^[1]

- (1) Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site;
- (2) Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to catalog cuts and illustrations by manufacturers (including sections where required);
- (3) Photometric data, such as that furnished by manufacturers or similar, showing the angle of cutoff of light emissions.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- B. Additional submission. The above required plans, descriptions and data shall be sufficiently complete to enable the designated official to readily determine whether compliance with the requirements of this chapter will be secured. If such plans, descriptions and data cannot enable this ready determination, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.
- C. Subdivision plats. If any subdivision proposes to have installed street or other common or public area outdoor lighting, submission of the information as described herein shall be required for all such lighting.
- D. Lamp or fixture substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the designated official for approval, together with adequate information to assure compliance with this chapter, which must be received prior to substitution.
- E. Plan review. If the designated official determines that the proposed lighting does not comply with this chapter, the permit shall not be issued or the plan approved.

§ 273-10. Approved materials, construction, installation and operation.

The provisions of this chapter are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this chapter, provided any such alternate has been approved by the designated official. The designated official may approve any such proposed alternate providing he/she finds that it:

- A. Provides at least approximate equivalence to that applicable specific requirements of this chapter.
- B. Is otherwise satisfactory and complies with the intent of this chapter.

§ 273-11. Prohibitions.

- A. Laser source light. The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
- B. Searchlights. The operation of searchlights for advertising purposes is prohibited.
- C. Outdoor advertising off-site signs. Outdoor advertising off-site signs are prohibited in accordance with Article VIII, Signs, of Chapter 500, Zoning, of the Code of the City of Bayfield.

§ 273-12. Temporary exemption.

A. Request; renewal; information required. Any person may submit a temporary exemption request to the City Plan Commission. The request shall contain the following information: ^[1]

- (1) Specific ordinance exemption(s) requested;
- (2) Duration of requested exemption(s);
- (3) Proposed location on premises of the proposed light fixture(s);
- (4) Purpose of the proposed lighting;
- (5) Information for each luminaire and lamp combination as required herein;
- (6) Previous temporary exemptions, if any, and addresses of premises thereunder;
- (7) Such other data and information as may be required by the designated official.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

B. Approval; duration. The Plan Commission shall have 45 business days from the date of submission of the request for temporary exemption to act, in writing, on the request. If approved, the exemption shall be valid for not more than 30 days from the date of issuance of the approval. The approval shall be renewable upon further written request, at the discretion of the designated official, for a maximum of one additional thirty-day period. The designated official is not authorized to grant more than one temporary permit and one renewal for a thirty-day period for the same property within one calendar year. ^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

C. Disapproval; appeal. If the request for temporary exemption or its extension is disapproved, the person making the request will have the appeal rights provided by the municipality.

§ 273-13. Other exemptions.

A. Nonconformance.

- (1) Bottom-mounted or unshielded outdoor advertising sign lighting shall not be used beginning two years after enactment of this chapter.
- (2) All other outdoor light fixtures lawfully installed prior to and operable on the effective date of this chapter are exempt from all requirements of this chapter. There shall be no change in use or lamp type, or any replacement (except for same type and same-output lamp replacement) or structural alteration made, without conforming to all applicable requirements of this chapter. Further, if the property is abandoned, or if there is a change in use of the property, the provisions of this chapter will apply when the abandonment ceases or the new use commences.

B. State and federal facilities. Compliance with the intent of this chapter at all state and federal facilities is encouraged.

C. Emergency lighting. Emergency lighting, used by police, fire-fighting, or medical personnel, or at their direction, is exempt from all requirements of this chapter for as long as the emergency exists.

D. Swimming pool and fountain lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and shielding standards provided herein, though it must conform to all other provisions of this chapter.

E. Residential fixtures.

- (1) Outdoor light fixtures attached to residential buildings and located below the eave and less than 2,000 lumens are exempt from the provisions of this chapter. Light fixtures 2,000 lumens and over are not exempt. Outdoor fixtures above the eave or attached to buildings or poles separate from the residence are not exempt. All spot- or floodlights shall be fully shielded to prevent glare and light trespass beyond the property boundary, and directed no more than 45° above straight down. The acceptability and shielding restrictions

applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications.

(2) Examples of lamp types of 2,000 lumens and less are:

(a) 100-watt standard incandescent.

(b) 15-watt cool white fluorescent.

(c) 15-watt compact fluorescent.

(d) 18-watt low pressure sodium.

F. Flags, lighted. United States and State of Wisconsin flags are exempt from the provisions of this chapter. All other outdoor lighted flags, such as, but not limited to, decorative and commercial flags, shall conform to the provisions of this chapter.

G. Holiday lighting. Holiday lighting is exempt from the provisions of this chapter from November 10 until January 30 of the following year.

H. Towers. Legally required safety lighting for towers shall be exempt from this chapter.

I. Airfields and airports. These facilities, both commercial and noncommercial, shall be exempt from the provisions of this chapter where lighting is used for air safety reasons. All other lighting shall conform to this chapter.

§ 273-14. Definitions.

As used in this chapter, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

DEVELOPMENT PROJECT

Any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the City for approval.

DIFFUSE

To spread or scatter widely, or thinly.

DIRECT ILLUMINATION

Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

DISPLAY LOT OR AREA

Outdoor areas where active nighttime sales activity occurs and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the Plan Commission.

FLOOD LAMP

A specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.

FOOTCANDLE

Unit of illuminance equal to one lumen per square foot. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 0.1 (0.093) lux.

FULL CUTOFF LIGHT FIXTURE

A luminaire light distribution where no light is emitted above the horizontal, and where the intensity at 80° from nadir is no greater than 100 candela per 1,000 lamp lumens.

FULLY SHIELDED LIGHT FIXTURE

A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.

GLARE

A light ray emanating directly from a lamp, reflector or lens such that it falls directly on the eye of the observer.

INSTALLED

The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

LIGHT POLLUTION

Any adverse effect of man-made light.

LIGHT TRESPASS

Light falling where it is not needed or wanted, typically across property boundaries.

LUMEN

Unit of luminous flux; used to measure the amount of light emitted by lamps.

LUMINAIRE

The complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

LUX

Unit of illuminance equal to one lumen per square meter. It is the luminous flux per unit area in the metric system. One lux equals approximately 10 (10.8) footcandles.

MULTICLASS OR MULTIUSE LIGHTING

Any outdoor lighting used for more than one purpose, such as security and decoration.

OPAQUE

"Opaque" means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, opaque means that the area surrounding any letters or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.

OUTDOOR LIGHT FIXTURE

An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to lights used for:

- A. Parking lot lighting;
- B. Roadway lighting;
- C. Buildings and structures;
- D. Recreational areas;
- E. Landscape lighting;
- F. Billboards and other signs (advertising or other);
- G. Product display area lighting;
- H. Building overhangs and open canopies.

OUTDOOR LIGHT OUTPUT, TOTAL

The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the intimal output, as defined by the manufacturer, is the value to be considered.

OUTDOOR RECREATION FACILITY

An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

PERSON

Any individual, tenant, lessee, owner, or any commercial entity including, but not limited to firm, business, partnership, joint venture or corporation.

SIGN, EXTERNALLY ILLUMINATED

A sign illuminated by light sources from the outside.

SIGN, INTERNALLY ILLUMINATED

A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

SIGN, NEON

A sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.

SPOT LAMP

A specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope; such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.

TEMPORARY LIGHTING

Lighting which does not conform to the provisions of this chapter and which will not be used for more than one thirty-day period within a calendar year, with one thirty-day extension. Temporary lighting is intended for uses which by their nature are of limited duration, for example, holiday decorations, civic events or construction projects.

TRANSLUCENT

Permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.

USE, ABANDONMENT OF

The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short-term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principal use of the property.

§ 273-15. Enforcement; violations and penalties.

- A. Violations. It shall be unlawful for any person to violate any provision of this chapter. Each day that the violation continues after notification of noncompliance shall constitute a separate offense. The municipality may institute appropriate action or proceedings to enjoin violations of this chapter.
- B. Penalties. Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to the provisions of Chapter 1, General Provisions, Article I, § 1-3, Violations and penalties, of the Code of the City of Bayfield.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*